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OFFICE OF PETITIONS

In re Application of :
Perrault et al. :
Application No. 09/713,296 : DECISION ON PETITION
Filed: 16 November, 2000 :
Atty Docket No. 45197.2 :

This is a decision on the petition filed on 2 May, 2006, under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **DISMISSED AS MOOT**.

A review of the record reveals that on 23 March, 2006, an Appeal Brief was filed in response to the Notice of Appeal filed on 23 January, 2006.

On 2 May, 2006, the present petition was filed, accompanied by a Request for Continued Examination (RCE) and an amendment as the submission required under 37 CFR 1.114.

MPEP 1215.01 states, in pertinent part:

Prior to a decision by the Board, if an applicant wishes to withdraw an application from appeal and to reopen prosecution of the application, applicant can file a request for continued examination (RCE) under 37 CFR 1.114, accompanied by a submission (i.e., a reply responsive within the meaning of 37 CFR 1.111 to the last outstanding Office action) and the RCE fee set forth under 37 CFR 1.17(e).

As applicant properly filed an RCE and submission prior to a decision by the Board, the application did not become abandoned.

Therefore the petition under 37 CFR 1.137(b) is unnecessary and will be dismissed as moot.

The petition fee will be credited to counsel's deposit account.

The application is referred to Technology Center Art Unit 3637 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

A handwritten signature in cursive script, appearing to read "D Wood".

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions